



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,477	04/02/2004	Thomas Michael Hayden		1215
7590	09/20/2005		EXAMINER	
THOMAS M HAYDEN 2341 S.E. LADD AVE. PORTLAND, OR 97214			COSTALES, SHRUTI S	
			ART UNIT	PAPER NUMBER
			1714	

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/816,477	HAYDEN, THOMAS MICHAEL	
	<b>Examiner</b>	<b>Art Unit</b>	
	Shruti S. Costales	1714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 02 April 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-10 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Specification*

1. The abstract of the disclosure is objected to because (i) the abstract is set forth in more than one paragraph, and (ii) the applicant fails to describe that which is new in the art to which the invention pertains. Moreover, the applicant sets forth the advantages of the invention without clearly setting forth what the invention is. See MPEP § 608.01(b).

Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The

abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Specifically, it is suggested that the abstract be amended so that it is (i) only one paragraph and, (ii) clearly describes what the present invention is and not just the advantages obtained from the invention.

2. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or  
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.

- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

3. The disclosure is objected to because of the following informalities:

- (i) A section titled "CROSS-REFERENCE TO RELATED APPLICATIONS"

should provide a statement claiming priority to applicant's provisional application by identifying the provisional application number and filing date.

- (ii) At line 2 of the second paragraph under "BACKGROUND OF THE INVENTION", the word "ECT" seems to be misspelled and should probably be corrected to "etc".

- (iii) The section titled "DESCRIPTION OF THE DRAWING" does not provide a description of FIG. 1 and FIG. 2 as filed. It is to be noted that according to 37 C.F.R. § 1.74, when there are drawings, there shall be a brief description of the several views of the drawings and the detailed description of the invention shall refer to the different views by specifying the numbers of the figures and to the different parts by use of reference letters or numerals (preferably the latter).

### ***Claim Objections***

4. Claims 1-10 are objected to because of the following informalities:

- (i) According to MPEP § 608.01(m), it is provided that while there is no set statutory form for claims, the present Office practice is to insist that each claim must be

the object of a sentence starting with "I (or we) claim," "The invention claimed is" (or the equivalent). More particularly, it is suggested that the applicant replace the phrase "THE CLAIM IS" with "I claim" at the top of page 8.

(ii) It is suggested that as claim 1 is an independent claim, "The process" should be amended to recite "A process".

(iii) As claims 2, 3, and 6-8 are dependent from independent claim 1, reference must be made to claim 1 as "The process of claim 1..." in order to properly refer back to claim 1 from which said claims depend.

(iv) Claims 6, 7, and 9 are objected to under 37 C.F.R. § 1.75(c) as being in improper form because a multiple dependent claim may refer to multiple claims in the alternative only. See MPEP § 608.01(n). Moreover, a multiple dependent claim shall not serve as a basis for any other multiple dependent claim. See 37 C.F.R. § 1.75(c).

In accordance with MPEP § 608.01(n), due to the presence of improper multiple dependent claims, claims 7-10 should not be further treated on the merits. However, in the interest of "compact prosecution", claims 7-10 have been treated as if they were corrected to be in proper multiple dependent form, and the following rejections are given. More particularly, it has been assumed for the purposes of examination that claims 7-10 each singularly depend from claim 1 only.

(v) Claim 7 is objected to because it recites the term "compromising", wherein such term appears to be a misspelling and should be corrected to "comprising".

(vi) Claim 8 is objected to because it improperly refers to two different claims, namely claims 7 and 2, having different features. See M.P.E.P. § 608.01(n).

(vii) Claims 2 and 10 do not provide a complete sentence because a period “.” is missing at the end of each of claim 2 and 10. It is suggested that the applicant amend the claims to add a “.” at the end of both claims 2 and 10.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More particularly, claims 1-10 are narrative in form and replete with indefinite and functional or operational language. The steps or components that go to define a process or a composition must be clearly and positively specified. The steps or components must be organized and correlated in such a manner as to present a complete process or composition. The claims must be in one sentence form only. Note the format of the claims in the patent cited.

Claims 1 and 3, in particular, should be amended to be in one sentence form only.

7. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More particularly, claim 1 recites “The process for producing...”, wherein no steps are set forth that describe a process for producing a fire

starter. Examples of steps that are generally included in processes include "mixing", etc. Instead, the applicant recites a multiplicity of compositions without setting forth how these multiple compositions are being combined to set forth a process for forming a fire starter.

Further, claim 1 recites the limitations "The first composition...", "The second composition...", "The third composition...", "The fourth composition...", and "The fifth and most important composition..." There is insufficient antecedent basis for these limitations in the claim. It is suggested, for example, that the applicant replace the phrase "The first composition..." with "A first composition" to comply with the requirement of proper antecedent basis. Claims 2-10 are rejected under 35 U.S.C. 112, second paragraph, as being dependent from a rejected base claim.

Moreover, it is unclear what is meant by the limitation "fifth and most important composition" because said limitation implies that the other compositions are not preferred. It is improper to suggest preferred embodiments in the claims. Please refer to M.P.E.P. § 608.01(a).

8. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More particularly, claim 1 recites the limitations "trace amounts of other chemical compositions" and "trace amount of butylated hydroxyl toluene (BHT)", wherein it is not clear to one of ordinary skill in the art what is meant by said terms/phrases thereby rendering the scope of claim 1 indefinite. Claims 2-10 are

rejected under 35 U.S.C. 112, second paragraph, as being dependent from a rejected base claim.

Further, it is not clear in claim 1 whether the first composition having “refined wax” is the same as “refined petroleum wax”.

9. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More particularly, claim 2 recites “The percentage in the process in claim 1 by weight of the compositions are essentially”, wherein it is not clear to one of ordinary skill in the art what is meant by the cited phrase. Claims 3-8 are rejected under 35 U.S.C. 112, second paragraph, as being dependent from a rejected base claim.

10. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More particularly, claim 3 recites in two separate sentences, which is incorrect claim format, steps of melting and mixing the compositions and then immersing the compositions, “Once all are fully melted and mixed, wait 5 minutes before immersion”, wherein it is not clear to one of ordinary skill in the art what is meant by “all”, “fully melted and mixed”, and “immersion”. The recitation of “all” is unclear because it does not clearly set forth the mixing of the first, second, third, fourth, and fifth compositions. The recitation of “fully melted and mixed” is unclear because it is not

Art Unit: 1714

possible for one of ordinary skill in the art to measure at what temperature/pressure will the components be "fully melted and mixed". Finally, the recitation of "immersion" is unclear because the applicant does not recite what the melted and mixed components are being immersed into and what degree of "immersion" will be satisfactory for claim 3. Claims 4 and 5 are rejected under 35 U.S.C. 112, second paragraph, as being dependent from a rejected base claim.

11. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More particularly, claim 4 recites maintaining a temperature range during "operations", wherein it is not clear to one of ordinary skill in the art what is meant by "operations" and whether it includes processing steps like mixing or melting or immersing or a combination of two or more. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being dependent from a rejected base claim.

12. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More particularly, claim 5 recites that during the immersion step "saturating the kindling step in the blended composition for 1 second", wherein it is not clear to one of ordinary skill in the art what the blended composition is being saturated with. Further, there is no antecedent basis for "the blended composition" in claim 5.

Art Unit: 1714

It is to be further noted that it is not clear to one of ordinary skill in the art what is meant by "ambient temperature" in claim 5 because such a temperature is variable depending on various physical and chemical conditions. It is suggested that the applicant provide a specific temperature or temperature range to define "ambient temperature". However, it should be noted that no new matter may be added to the claims, or the specification, or the drawings via amendment. Please refer to M.P.E.P. § 608.04 and 37 C.F.R. § 1.121(f).

13. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More particularly, claim 6 recites the limitation "The results" in line of claim 6, wherein there is no antecedent basis for said limitation in claim 6.

14. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More particularly, claim 7 recites "a composition material saturated and prepared" in claims 1 and 2, wherein no step of saturating is recited in either claim 1 or claim 2. Further, as noted above, claim 7 is an improper multiple dependent claim. Claims 8-10 are rejected under 35 U.S.C. 112, second paragraph, as being dependent from a rejected base claim.

Art Unit: 1714

15. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More particularly, claim 8 recites "percentages by weight of such composition based on the total weight thereof are as stipulated in claim 2", wherein it is not clear to one of ordinary skill in the art what is meant by the cited phrase. Claims 9 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being dependent from a rejected base claim.

16. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More particularly, claim 9 recites that the kindling "is of a combustible material of a pressed mixture of wood, fiber, alum, and cornstarch", wherein it is not clear to one of ordinary skill in the art how the recited pressed mixtures are incorporated into the kindling recited in claim 1. Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being dependent from a rejected base claim.

17. Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More particularly, claim 10 recites "based on the total weight", wherein it is not clear to one of ordinary skill in the art if the total weight is that of the kindling as recited in claim 1, or if the total weight is that of the combustible material, or any other combinations.

***Claim Rejections - 35 USC § 102***

18. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

19. Claims 1, 6, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Earlywine (U.S. Patent Number 4,475,923).

Earlywine discloses a composition and a method for forming a kindling having a combustible material saturated with a composition of refined petroleum wax and refined oil (Col. 2, lines 9-56). The composition of refined petroleum wax and refined oil is formed from a combination of eight compositions (Col. 2, lines 37-56 and Cols. 3-5). The sixth composition of Earlywine corresponds to the presently recited first composition with about 95% refined wax, about 5% refined oil, and a trace amount of butylated hydroxyl toluene (BHT) as an antioxidant (Col. 4, lines 15-27). The eighth composition of Earlywine corresponds with the presently recited second composition having about 72% refined petroleum wax and 28% refined oil (Col. 4, lines 37-45). The second composition of Earlywine corresponds with the presently recited third composition having about 87% refined petroleum wax and 13% refined oil (Col. 3, lines 40-50). The third composition of Earlywine corresponds with the presently recited fourth composition having about 80% refined petroleum wax and 20% refined oil (Col. 3, lines 50-60). The first composition of Earlywine corresponds with the presently recited fifth composition having 99% refined petroleum wax, about 1% refined oil and contains not

Art Unit: 1714

more than 15 parts per million of food grade dibutylparacresol as an antioxidant which inhibits oxidation (Col. 3, lines 29-40). All eight compositions disclosed by Earlywine are heated and mixed together at different stages in a temperature range of 165° F to about 172° F (Col. 4, lines 48-68 and Col. 5, lines 1-35). Further, it is disclosed that after the compositions have been blended together for about five to ten minutes, the kindling is immersed in the final blended composition and then withdrawn to cool as the final product (Col. 5, lines 20-25), intrinsically implying cooling of the final product to ambient temperature normally room temperature. It is further disclosed that the kindling is made of a combustible material, optimally a mixture of 92% wood fiber, 4% alum, and 4% cornstarch pressed into a shape shown in FIG. 1 of Earlywine (Col. 3, lines 4-23).

In light of the above discussion, the presently cited claims are anticipated by Earlywine.

### ***Claim Rejections - 35 USC § 103***

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

Art Unit: 1714

2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

21. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Earlywine (U.S. Patent Number 4,475,923).

Earlywine discloses a composition and a method for forming a kindling having a combustible material saturated with a composition of refined petroleum wax and refined oil (Col. 2, lines 9-56). The composition of refined petroleum wax and refined oil is formed from a combination of eight compositions (Col. 2, lines 37-56 and Cols. 3-5). The sixth composition of Earlywine corresponds to the presently recited first composition with about 95% refined wax, about 5% refined oil, and a trace amount of butylated hydroxyl toluene (BHT) as an antioxidant (Col. 4, lines 15-27). The eighth composition of Earlywine corresponds with the presently recited second composition having about 72% refined petroleum wax and 28% refined oil (Col. 4, lines 37-45). The second composition of Earlywine corresponds with the presently recited third composition having about 87% refined petroleum wax and 13% refined oil (Col. 3, lines 40-50). The third composition of Earlywine corresponds with the presently recited fourth composition having about 80% refined petroleum wax and 20% refined oil (Col. 3, lines 50-60). The first composition of Earlywine corresponds with the presently recited fifth composition having 99% refined petroleum wax, about 1% refined oil and contains not more than 15 parts per million of food grade dibutylparacresol as an antioxidant which inhibits oxidation (Col. 3, lines 29-40).

All eight compositions disclosed by Earlywine are heated and mixed together at different stages in a temperature range of 165° F to about 172° F (Col. 4, lines 48-68 and Col. 5, lines 1-35). Further, it is disclosed that after the compositions have been blended together for about five to ten minutes, the kindling is immersed in the final blended composition and then withdrawn to cool as the final product (Col. 5, lines 20-25), intrinsically implying cooling of the final product to ambient temperature normally room temperature. It is further disclosed that the kindling is made of a combustible material, optimally a mixture of 92% wood fiber, 4% alum, and 4% cornstarch pressed into a shape shown in FIG. 1 of Earlywine (Col. 3, lines 4-23).

The amounts of the various compositions are disclosed in Col. 5 of Earlywine and the table below sets forth a comparison between the amounts of Earlywine's compositions and the presently claimed compositions –

TABLE 1

Earlywine's Compositions	Presently Claimed Compositions	Earlywine's Total Amount (%)	Total Amount Presently Claimed (%)
First	Fifth	38	38
Second	Third	17	17
Third	Fourth	25	25
Sixth	First	4	8
Eighth	Second	4	12

The difference between Earlywine and the presently claimed invention is the requirement of five compositions versus eight, wherein two out of the five compositions are present in different amounts (see TABLE 1 above).

Although Earlywine discloses eight compositions to form a kindling wherein the sixth and the eighth composition of Earlywine corresponding to the first and second

compositions presently claimed, respectively, are present in different amounts, it would have been obvious to one of ordinary skill in the art to use various combinations of Earlywine's compositions in varying amounts to form a kindling as presently recited because different kindlings of varying characteristics are obtained such as increased burn time and capability of being lit and to burn in wet or windy conditions (Col. 4, lines 48-62), thereby obtaining the invention as set forth in the presently cited claims.

***Conclusion***

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shruti S. Costales whose telephone number is (571) 272-8389. The examiner can normally be reached on Monday - Friday, 6:30 AM - 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272-1119. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

*SSC*  
Shruti S. Costales  
September 15, 2005

*Callie Shosho*  
**CALLIE E. SHOSHO**  
**PRIMARY EXAMINER**